

CW

**PATENT APPLICATION**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Toshihisa KUROIWA

Group Art Unit: 2615

Application No.: 09/505,281

Examiner: B. GENCO

Filed: February 16, 2000

Docket No.: 105403

For: ELECTRONIC CAMERA

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the June 29, 2005 Election of Species Requirement, Applicant hereby elects "Species VII" with traverse. Applicant submits that claims 13 and 24 read on elected "Species VII." Applicant respectfully traverses the Election of Species Requirement for the following reasons.

First, Applicant respectfully submits that the aspects of the invention characterized as "Species" I-VII in the June 29 Requirement are not different Species. As set forth in MPEP 806.04(e) and 806.04(f) different Species usually relate to different embodiments and are mutually exclusive (that is, the different species cannot be practiced at the same time). The different "Species" alleged in the Office Action, however, can be practiced at the same time as part of a single embodiment.

Second, Applicant respectfully submits that the subject matter of "Species" I-VII are sufficiently related that a thorough search for the subject matter of any one "Species" would encompass a search for the subject matter of the remaining "Species." In fact, in the previous

Office Action, the subject matter of claims 7-13 (corresponding to the alleged "Species" in the present Election of Species Requirement) was searched. Thus, it is respectfully submitted that the search and examination of the entire application could be (and has been) made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." As noted above, the subject matter of claims 7-13 already has been searched, and thus there is no additional burden on the Examiner to continue examining those claims.

Withdrawal of the Election of Species Requirement and examination of all pending claims 7-13 and 19-24 is requested.

Respectfully submitted,



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MAC/ccs

Date: July 26, 2005

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